



# CITY OF STANWOOD NOTICE OF DECISION

## PUD – North Stanwood to Camano New Transmission Line

The City of Stanwood has issued a Notice of Decision for a Shoreline Conditional Use Permit as required by Stanwood Municipal Code. The following project has been **APPROVED**, with the conditions listed in the Hearing Examiners Decision.

**Project Name:** PUD – North Stanwood to Camano New Transmission Line

**Proponent:** Public Utility District No. 1 of Snohomish County

**Project Number:** Shoreline Conditional Use Permit 21-0051

**Description of Proposal:** The permittee is requesting a Shoreline Conditional Use Permit (SCUP) to install a new 115kV transmission line with 11 new poles (Phase 1) and complete maintenance work on an existing 115kV transmission line (Phase II). Phase II of the project includes the installation of two (2) new poles and the removal of one (1) existing pole and two (2) existing wooden poles. The project is located within the Urban Conservancy designation of the Snohomish River shoreline and requires the approval of this conditional use permit.

**Tax Parcel Numbers:** 32032400301900, 32032400300600, 32041900301600,  
32041900309000

**Shoreline Conditional Use Decision:** Approved, with Conditions

**Notice of Decision Date:** Monday, June 20, 2022

**End of Appeal Period:** Tuesday, July 12, 2022

**Expiration Date:** July 12, 2024

**Reconsiderations:** Any person who presented or commented at the hearing may file a written request with the hearing examiner for reconsideration within ten (10) business days of the date of the Hearing Examiner's Decision. Reconsiderations must be delivered to the City of Stanwood, at 10220 270<sup>th</sup> Street NW, Stanwood, WA 98292, by **Tuesday, July 5, 2022 at 4:00 pm.** Reconsiderations must meet the content and grounds requirements of SMC 17.81B.350 (5) (a) and (b), shall specify the relief requested, and be accompanied by a \$200 non-refundable filing fee.

**Appeals:** An appeal of a shoreline conditional use permit shall be to the state Shoreline Hearings Board and shall be filed within twenty-one (21) calendar days from the receipt of the city's decision by the Department of Ecology as set forth in RCW 90.58.140.

**Staff Contact:** Tansy Schroeder, City Planner, [tansy.schroeder@stanwoodwa.org](mailto:tansy.schroeder@stanwoodwa.org)  
360-454-5211

**BEFORE the HEARING EXAMINER for the  
CITY of STANWOOD**

**DECISION <sup>1</sup>**

FILE NUMBER: 21-0051

APPLICANT: Public Utility District No. 1 of Snohomish County  
P.O. Box 1107  
Everett, WA 98206

TYPE OF CASE: Shoreline Management Act Conditional Use Permit for the  
PUD No. 1 North Stanwood to Camano Transmission Line  
Upgrade

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: June 14, 2022

**INTRODUCTION <sup>2</sup>**

Public Utility District No. 1 of Snohomish County (“PUD No. 1”) seeks a Shoreline Management Act (“SMA”) Conditional Use Permit (“SCUP”) for the PUD No. 1 North Stanwood to Camano Transmission Line Upgrade.

PUD No. 1 filed the SCUP application on May 21, 2021, and supplemented the application on June 8, 2021. (Exhibits 1, PDF 3; 3 <sup>3</sup>) The Stanwood Community Development Department (“CDD”) deemed the application to be complete on June 8, 2021. (Exhibit 14)

The only part of the project which involves actual physical activity within SMA jurisdiction is placement of one new transmission line pole at Work Area 53 located within the SR 532 right-of-way at the east end of the Camano Gateway Bridge, west of downtown Stanwood. Work Area 53 is located in Sec. 23, Twp. 32 N, Rng. 03 E, W.M. (Exhibit 2, PDF 2)

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<sup>1</sup> This written Decision memorializes and expands upon an oral decision rendered on the record at the close of the June 7, 2022, open record hearing.

<sup>2</sup> Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

<sup>3</sup> Exhibit citations are provided for the reader’s benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. Citations to exhibits that are available electronically in PDF use PDF page numbers, not source document page numbers. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner’s Decision is based upon all documents in the record.

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The Stanwood Hearing Examiner (“Examiner”) viewed the subject property via Google Earth: Aerial imagery dated August 15, 2020; Street View imagery dated November, 2021.

The Examiner held an open record hearing on June 7, 2022. The hearing was conducted remotely using the “Zoom” platform due to assembly restrictions attendant to the current COVID-19 pandemic. CDD gave notice of the hearing as required by the Stanwood Municipal Code (“SMC”). (Exhibit 16)

The following exhibits were entered into the hearing record during the hearing:

Exhibits 1 - 22: Staff Report (Exhibit 1) with associated list of Exhibits 1 - 22

Subsection 17.80.360(3)(a) SMC requires that decisions on SCUPs be issued within 120 net review days after the application is found to be complete. The 120 net review days may have expired prior to the Examiner’s open record hearing. (Testimony) The SMC provides that an extension of the timeline may be mutually agreed upon by the City and the applicant. [SMC 17.80.360(3)(a)] PUD No. 1 agreed to extend the timeline. (Testimony)

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner’s knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

## FINDINGS OF FACT

1. Electricity is delivered to the City of Stanwood by PUD No. 1. PUD No. 1 is the largest single public utility customer of the Bonneville Power Administration and services both Snohomish County and Camano Island, Island County, for a total of over 350,000 customers. The Stanwood area is serviced by 115kV transmission lines. These high voltage transmission lines deliver power to Stanwood’s only substation which is located at the east end of downtown by the Burlington Northern Railroad tracks and Florence Road. A 115kV transmission line connects the Stanwood substation to a substation located on the northern end of Camano Island. (Exhibits 1; 4)

PUD No. 1 proposes a two-phase project to provide the greater Stanwood-Camano region with increased power reliability and capacity over the next 30 years. Phase 1 will construct a second Stanwood to Camano 115 kV transmission line with 11 new poles. When that line is complete, Phase 2 will replace a portion of the existing 115kV transmission line with two new poles and one replacement pole. The only physical construction within the City’s SMA jurisdictional area is one pole in Phase I within the Urban Conservancy<sup>4</sup> designation along the right bank of the Stillaguamish

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<sup>4</sup> This SMA Environment designation is referred to in two different ways: City maps use the term “Shoreline Conservancy;” Shoreline Master Program (“SMP”) text uses the term “Urban Conservancy.” (Exhibit 1, PDF 13) Current CDD staff is unaware of how the difference came about. CDD staff has chosen to use “Urban Conservancy.” (Testimony) The Examiner will follow CDD’s lead.

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River's West Pass near the east end of the Camano Gateway Bridge. The pole's location is referred to as Work Area 53. (Exhibits 2, PDF 2; 4)

This is a multi-jurisdictional utility project with project sites located in unincorporated Snohomish County, the City of Stanwood, and unincorporated Island County. (Exhibit 2)

2. Utilities that serve uses outside the SMA jurisdictional area are considered Conditional Uses under the City's SMA Shoreline Master Plan ("SMP"). (Exhibit 1, PDF 16) Since the 115kV line will serve areas of Stanwood and Camano Island both within and outside of the SMA jurisdictional area, a SCUP is required.
3. In *Merkel v. Port of Brownsville* [8 Wn. App. 844 (Div. II), 509 P.2d 390 (1973)], the Court of Appeals held that a project having an interrelated effect on both uplands (non-shoreline jurisdictional areas) and shorelines cannot be segmented for purposes of complying with the Shoreline Management Act. While there are substantial factual differences between the situations in *Merkel* and in the present application,<sup>5</sup> City Staff generally applied this principle to its evaluation of the present case.
4. No testimony or evidence was entered into the record by the general public either in support of or in opposition to the application. Two Native American tribes commented on the application. (Exhibits 20; 21) CDD has responded to their stated concerns through proposed conditions. (Exhibit 1)
5. Each new pole has a 3.14 square foot ("SF") surface area; total permanent impacts to wetlands and their buffers are expected to be 34.54 SF. PUD No. 1 is providing 14,101 SF of wetland mitigation and 2,085 SF of buffer mitigation. (Exhibits 1, PDF 5; 7; 8)
6. PUD No. 1 submitted site plans (Exhibit 2), an application (Exhibit 3), a project narrative (Exhibit 4), a route feasibility study (Exhibit 6), a biological evaluation (Exhibit 7), a critical areas study and mitigation plan (Exhibit 8), a tree mitigation plan (Exhibit 9<sup>6</sup>), and necessary easements for the portions of the project on private property (Exhibit 12).
7. PUD No. 1's State Environmental Policy Act ("SEPA") Responsible Official issued a Determination of Nonsignificance ("DNS") on May 23, 2019.<sup>7</sup> (Exhibit 5) The DNS was not appealed. (Exhibit 1, PDF 4)
8. CDD's Staff Report contains a detailed, section-by-section analysis of applicable code provisions. (Exhibit 1, PDF 5 – 22) PUD No. 1 concurred with that analysis. (Testimony) The record contains

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<sup>5</sup> The Port of Brownsville wanted to build a marina on the shore of Puget Sound, part of which would be within the SMA jurisdictional area, part of which would be outside the SMA jurisdictional area. The Port began construction on the upland portion before receiving SMA permit authority for the shoreline portion, leading to the *Merkel* lawsuit and the Court of Appeals ruling.

<sup>6</sup> All trees that will be affected by the project lie well outside of the SMA jurisdictional area.

<sup>7</sup> State rule requires that the SEPA responsible official for a publicly-initiated project is to be the agency proposing the project. [WAC 197-11-926(1)] Thus, PUD No. 1 rather than CDD is the responsible official for this project.

no challenge to that analysis.<sup>8</sup> Therefore, the Examiner incorporates Exhibit 1, PDF 5 – 22 herein by reference as if set forth in full.

9. CDD recommends approval of the SCUP subject to 15 conditions. (Exhibit 1, PDF 22 – 24) Many of the recommended conditions pertain to areas of the project well outside of the SMA jurisdictional area and, more specifically, outside of Work Area 53, the singular location along SR 532 where one new pole will be placed within SMA jurisdiction. That approach reflects CDD’s adherence to the *Merkel* precedent. (Testimony)
10. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

### LEGAL FRAMEWORK<sup>9</sup>

The Examiner is legally required to decide this case within the framework created by the following principles:

#### Authority

A SCUP is a Type III application. The Examiner conducts an open record, pre-decision hearing and makes the final decision for the City on the application which is subject to the right of reconsideration. [SMC 17.80.230(4); SMC 17.80.370; SMC 17.80.380; and Hearing Examiner Rule of Procedure 504<sup>10</sup>] The Examiner’s Decision on a SCUP application is subject to review and approval by the Washington State Department of Ecology (“Ecology”). Ecology’s decision may be appealed to the State Shorelines Hearings Board, a state quasi-judicial review board, whose decision is subject to the right of judicial appeal.

#### Review Criteria

The review criteria for SCUPs are set forth at SMC 17.150.077:

Decision Criteria. Uses classified as conditional uses can be permitted only after consideration and by meeting such performance standards that make the use compatible with other permitted uses within that area. A conditional use permit may be granted subject to the hearing examiner determining compliance with each of the following conditions:

- (1) The use must be compatible with other permitted uses within that area.
- (2) The use will not interfere with the public use of public shorelines.

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<sup>8</sup> The Examiner has previously explained the “Shoreline Conservancy” v. “Urban Conservancy” terminology issue.

<sup>9</sup> Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

<sup>10</sup> The City amended its procedural land use regulations in 2021 (Ord. 1499). Applications do not vest to purely procedural regulations. Therefore, while CDD reviewed the application against pre-Ord. 1499 code provisions, the procedural citations in this Decision are to the post-Ord. 1499 code.

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(3) Design of the site will be compatible with the surroundings and the city's Master Program.

(4) The use shall be in harmony with the general purpose and intent of the city's Master Program.

(5) The use meets the conditional use criteria in WAC 173-27-160.

The "conditional use criteria in WAC 173-27-160" are:

...

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

(e) That the public interest suffers no substantial detrimental effect.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

...

The Local Project Review Act [Chapter 36.70B RCW] establishes a mandatory "consistency" review for "project permits", a term defined by the Act to include "building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan." [RCW 36.70B.020(4)]

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(1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations or, in the absence of applicable regulations the adopted comprehensive plan, under RCW 36.70B.040 shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

- (a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;
- (b) Density of residential development in urban growth areas; and
- (c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by [the Growth Management Act].

[RCW 36.70B.030]

Vested Rights

An application for a permit or project permit listed as a Type I – V permit, except those which seek variance from land use regulations, shall be considered under the development regulations in effect on the date of a complete application. For purposes of this section the “date of a complete application” shall mean the date on which the applicant files a permit application that contains all information, documents, plans and reports required by this chapter.

[SMC 17.80.210(1)] Therefore, this application is vested to the land use regulations in effect on June 8, 2021.

Standard of Review

The standard of review is preponderance of the evidence; the applicant has the burden of proof. [SMC 17.80.370(3)]

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

**CONCLUSIONS OF LAW**

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1. PUD No. 1's proposal meets SCUP Criterion (1). The project area within the shoreline is developed as a state highway with an overhead transmission line on the north side. The proposed project will add an overhead transmission line on the south side of the highway. Other surrounding uses include city-owned parcels that are planned for a park and active cropland. The proposed use is compatible with these uses.
2. PUD No. 1's proposal meets SCUP Criterion (2). The portion of the project within the shoreline includes one power pole and overhead conductors that will permanently impact 3.14 SF of shoreline wetland adjacent to SR 532. Construction will cause a temporary interference around the pole site, but the limited footprint of the impact and the passive nature of a power pole will not interfere with the long term public use of public shorelines.
3. PUD No. 1's proposal meets SCUP Criterion (3). The proposed project has provided provisions to meet the policies of the SMP; a detailed analysis is provided in Exhibit 1.
4. PUD No. 1's proposal meets SCUP Criterion (4). The proposed project is limited to one power pole and overhead conductors in the shoreline, crossing the West Branch in the shortest and most direct path feasible in order to provide additional electrical capacity and reliability to the residents of the greater Stanwood-Camano area. This use is in harmony with the general purpose and intent of the SMP.
5. PUD No. 1's proposal meets SCUP Criterion (5), WAC 173-27-160 (1)(a). Before an SMP may be approved by the State it must be found to be consistent with the SMA's basic policies in RCW 90.58.020. The City's SMP was approved by the State. Therefore, *a priori*, it is consistent with RCW 90.58.020. The record contains no challenge to the project's compliance with any provision within the SMP.
6. PUD No. 1's proposal meets SCUP Criterion (5), WAC 173-27-160 (1)(b). The portion of the project within the shoreline includes one power pole and overhead conductors that will permanently impact 3.14 SF of shoreline wetland adjacent to SR 532. Construction will cause a temporary interference around the pole site, but the limited footprint of the impact and the passive nature of a power pole will not interfere with the long term public use of the shorelines. Future access to the shoreline is intended to be taken from the city-owned Ovenell Farm property located to the east which is zoned Parks and Open Space.
7. PUD No. 1's proposal meets SCUP Criterion (5), WAC 173-27-160 (1)(c). The project area within the shoreline is developed as a state highway with an overhead transmission line on the north side. The proposed project will add an overhead transmission line on the south side of the highway. Other surrounding uses include city-owned parcels that are planned for a park and active cropland. The proposed transmission line use is compatible with the other uses in this area.
8. PUD No. 1's proposal meets SCUP Criterion (5), WAC 173-27-160 (1)(d). PUD No. 1 issued a SEPA Determination of Non-Significance for the proposed project determining that the project will

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not cause significant adverse impacts to the shoreline environment. PUD No. 1 has also provided a mitigation plan to mitigate any unavoidable impacts to the shoreline.

9. PUD No. 1's proposal meets SCUP Criterion (5), WAC 173-27-160 (1)(e). The purpose of this project is to provide adequate electrical power to meet the demand of the community. A short segment of the project is required to pass through the shoreline to reach Camano Island, but it has been designed to cross the shoreline as directly as possible along an established transportation and utility corridor. The transmission line project is designed to the standards of the Federal Energy Regulatory Commission and Washington State Department of Transportation so that there is no unreasonable threat to the public health, safety, or welfare with respect to pole placement, conductor size and location, voltage, and other similar components. The public interest will be served by this project and will suffer no substantial detrimental effect.
10. PUD No. 1's proposal meets SCUP Criterion (5), WAC 173-27-160 (2). PUD No. 1 is the electrical utility provider for Snohomish County and Camano Island. The proposed new transmission line, along with the existing transmission line, are expected to meet the electrical power needs of the community through 2040. No additional conditional use permits for overhead electrical transmission lines through the project area are known or anticipated at this time, so no cumulative impacts are expected. If required in the future, any additional conditional uses will require consistency with the policies of the applicable RCW and will not be allowed to produce substantial adverse effects to the shoreline.
11. PUD No. 1's proposal passes the "consistency" test: Utilities are an allowed use in the Urban Conservancy Environment subject to the SCUP which is sought herein; density is irrelevant as this is not a residential use; public utilities are not required to serve this electric transmission line project.
12. The recommended conditions of approval as set forth in Exhibit 1 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
  - A. Recommended Conditions 1.a and 9. Both of these conditions will be revised to refer to documents by exhibit number. In addition, since here is no (b) in Condition 1, subparagraph (a) will be merged into the introductory paragraph.
  - B. Recommended Condition 2. The time limit in this condition is inconsistent with SMC 17.150.079, part of the SMC's SMP regulations. Section 17.150.079 SMC was enacted in 2014, so it is part of the SMC to which the application is vested. Section 17.81B.360 SMC, cited as authority for Recommended Condition 2 has been repealed and was never part of the SMP regulations in the first place. Any conflict between general permit regulations and SMP-specific regulations would have to be resolved in favor of the SMP-specific regulations. The condition will be substantially revised.
  - C. Recommended Conditions 4 and 8. The word "per" is mis-used in these conditions. It will be replaced with more appropriate wording.

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- D. Recommended Conditions 5, 9, and 13. Land use entitlement permits “run with the land,” meaning that the current applicant may not always be the permit holder. Even though a change in ownership is highly unlikely here where the applicant is a public entity and Work Area 53 is within a state highway right-of-way, the Examiner will nevertheless change “applicant” to “Permittee.”
  - E. Recommended Condition 10. The sworn testimony in the record is that no in-water work is involved in this project. Therefore, this condition is unnecessary and could actually be misleading. It will be eliminated.
  - F. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 4, 6, 8, 13, and 15 will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.
13. At the end of the open record hearing the Examiner asked why Recommended Conditions use plural references to utility poles when only one pole is actually to be placed within the SMA jurisdiction. CDD explained that because of the *Merkel* precedent it felt that the permit should be written so as to apply to the entire project, not just the one pole. The Examiner sees no harm in that approach and will leave the plural references.
14. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

**DECISION**

Based upon the preceding Findings of Fact and Conclusions of Law, the testimony and evidence submitted at the open record hearing, and the Examiner’s site view, the Examiner **GRANTS** City approval of the requested Shoreline Conditional Use Permit for the PUD No. 1 North Stanwood to Camano Transmission Line Upgrade **SUBJECT TO THE CONDITIONS** on the **ATTACHED PERMIT**.

Decision issued June 14, 2022.

*/s/ John E. Galt*

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John E. Galt  
Hearing Examiner

**HEARING PARTICIPANTS <sup>11</sup>**

John Laufenberg

Tansy Schroeder

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<sup>11</sup> The official Parties of Record register is maintained by the City’s Hearing Clerk.

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**NOTICE OF RIGHT OF RECONSIDERATION**

This Decision is subject to the right of reconsideration pursuant to SMC 17.80.380(8) and Hearing Examiner Rule of Procedure 504. “Any person who presented or commented at the hearing may file a written request” for reconsideration. [*Ibid.*] Requests for reconsideration must be filed in writing with the City Clerk/receptionist within ten (10) business days of the date of this Decision. Any request for reconsideration must meet the content and grounds requirements of SMC 17.80.380(8)(a) and (b). Any request for reconsideration shall also specify the relief requested. See SMC 17.80.380(8) for additional information and requirements regarding reconsideration.

**NOTICE of RIGHT of APPEAL  
SHORELINE CONDITIONAL USE PERMIT**

The City’s final action on this Shoreline Management Conditional Use Permit is subject to approval or disapproval by the Washington State Department of Ecology pursuant to RCW 90.58.140(10). The ultimate decision by the Washington State Department of Ecology on a Shoreline Management Conditional Use Permit is final subject to the right appeal to the State Shorelines Hearings Board. Please see RCW 90.58.180 and Chapter 173-27 WAC for guidance regarding Shoreline appeal procedures.

<p>The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.”</p>
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## CITY of STANWOOD

### SHORELINE MANAGEMENT ACT CONDITIONAL USE PERMIT

File No.: 21-0051

Applicant: Public Utility District No. 1 of Snohomish County  
P.O. Box 1107  
Everett, WA 98206

A Shoreline Conditional Use Permit is granted pursuant to the Shoreline Management Act of 1971 [Chapter 90.58 RCW] for the PUD No. 1 North Stanwood to Camano Transmission Line Upgrade.

This permit applies to the property legally described in Exhibits 2 & 3. Work Area 53, where the work within SMA jurisdiction will occur, is located within the SR 532 right-of-way at the east end of the Camano Gateway Bridge, west of downtown Stanwood. Work Area 53 is located in Sec. 23, Twp. 32 N, Rng. 03 E, W.M..

This permit is subject to all applicable regulations of the Stanwood Shoreline Master Program. In addition, this permit is subject to the following **SPECIAL CONDITIONS**:

1. All improvements shall be constructed in accordance with the approved site plan (Exhibit 2) and preliminary civil construction drawings or as formally amended with any associated new conditions of approval. Minor modifications to the plans may be approved by the Community Development Director or Public Works Director if the modifications do not: 1) involve more than a 10% increase in the area or scale of the development, 2) have a significantly greater impact on the environment and facilities, and 3) change the boundaries of the originally approved plan.
2. This Shoreline Conditional Use Permit is subject to the permit timing requirements of SMC 17.150.079.
3. All applicable components of the Stanwood Municipal Code shall be followed.
4. Prior to grading activity, the clearing limits of the approved plans shall be delineated in the field. Pursuant to the SWPPP, straw wattles or silt fence will delineate clearing limits at each pole and vault site. Existing vegetation shall be preserved throughout the project area.
5. The Permittee shall contact and notify the Stillaguamish Tribe of Indians prior to any ground disturbances so that the Tribe may provide archeological monitors on site during ground disturbing

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activities. The project shall have a standard Inadvertent Discovery Plan on site, in case of accidental discovery of displaced human remains. The Plan shall be submitted to the City of Stanwood Community Development Department prior to the start of construction activities and a copy shall be kept on the construction site at for the duration of the project.

6. Any reseeded mixtures proposed in the mitigation plan or for restoration purposes shall only include native seeds of plants suitable to the site environment.
7. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes.
8. No permits and construction pursuant to the Shoreline Conditional Use Permit shall begin or be authorized until 21 days from the receipt of the City's decision by the Department of Ecology pursuant to RCW 90.58.180.
9. The Permittee shall follow all recommendations and BMP's as described in Exhibit 11, the Stormwater Pollution Prevention Plan (SWPPP).
  - a. Mark Clearing Limits: Straw wattles or silt fence will delineate clearing limits at each pole and vault site. Existing vegetation shall be preserved throughout the project area.
  - b. Establish Construction Access: Vault and pole installation, removal, and reframing will occur from existing asphalt roadways. Installation of a construction entrance is not necessary.
  - c. Install Sediment Controls: Straw wattles will be used around all pole sites within buffers and as necessary in areas outside buffers. Silt fence or similar will be used around vault sites.
  - d. Stabilize Soils: All exposed soils will be stabilized through grass seeding and covering with straw mulch. Stockpiled soil from each pole and vault site will either be removed daily or stabilized with mulch, plastic sheeting, hydroseeding or other applicable BMP depending upon weather conditions. Exposed and unworked soil shall be stabilized within 7 days during the dry season (May 1 – September 30) and within 2 days during the wet season (October 1 – April 30), and at the end of the shift before a holiday or weekend based on the weather forecast.
  - e. Protect Slopes: If any slope disturbance occurs, all disturbed slopes are required to be protected with mulch or other means. No concentrated runoff or significant amounts of sheet flow will be directed to new cut or fill slopes during construction.
  - f. Control Pollutants: Removed poles shall be hauled off site at the end of each work shift. Poles and other construction materials shall not be stored within or near wetlands, streams, or

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roadside drainage ditches. All vehicles working on and around the site need to meet the State requirements for emissions. On-site fueling and maintenance (including wheel washing) of vehicles is not expected during construction activities. Should these activities become necessary, they shall take place on existing asphalt surfaces outside critical areas and buffers, and a drip pan or other appropriate temporary containment device, shall be placed at locations where leaks or spills may occur. Absorbent pads and spill containment equipment shall be stored on-site for quick response and placement to reduce the potential for contaminants to reach the water should any sort of spill or leakage occur.

- g. Maintain BMP's: The construction supervisor will be responsible for maintaining all BMPs during construction, including relocating or adding BMPs, as necessary, as site conditions change. Visual monitoring of all BMPs shall be conducted at least once a week and within 24 hours of any discharge events.
10. The contractor shall be responsible for adhering to the Spill Prevention Control and Countermeasures (SPCC) Plan. Temporary Erosion and Sediment Control (TESC) measures shall be in place prior to construction. Sediment fencing shall be placed around the perimeter of the staging area, between the staging area and any surface water or wetland. Identify and flag native vegetation to ensure protection during construction.
  11. The contractor shall designate at least one person who is knowledgeable in the principles and practices of erosion and sediment control as the Erosion and Spill Control Lead (ESCL). The ESCL shall be responsible for installing and monitoring erosion control measures and maintaining spill containment and control equipment. The ESCL shall also be responsible for ensuring compliance with all local, state, and federal erosion and sediment control requirements. Moreover, the ESCL shall be responsible for inspecting all temporary erosion and sediment control measures on a regular basis, as well as maintaining and repairing such measures and ensuring their continued performance.
  12. The Permittee shall receive (if it has not already received) project approval from the following agencies: U.S. Army Corps of Engineers, Department of Ecology, and Washington Department of Fish and Wildlife.
  13. Construction hours of operation are limited to 7:00 am to 10:00 pm on weekdays, 8:00 am to 6:00 pm on Saturdays, Sundays, and state recognized holidays.
  14. All contractors working on the site shall be required to obtain a Stanwood Business License endorsement on their State Business License.

**EXCEPT AS PROVIDED IN RCW 90.58.140(5)(a) AND (b), CONSTRUCTION PURSUANT TO THIS PERMIT SHALL NOT BEGIN AND IS NOT AUTHORIZED UNTIL TWENTY-ONE DAYS FROM THE DATE THIS PERMIT IS FILED WITH THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND ATTORNEY GENERAL AS REQUIRED BY RCW 90.58.140(6) AND WAC 173-27-130, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE DAYS FROM THE DATE OF SUCH FILING HAVE BEEN TERMINATED.**

HEARING EXAMINER DECISION

RE: 21-0051 (PUD No. 1 North Stanwood to Camano Transmission Line Upgrade SCUP)

June 14, 2022

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**PERMIT** issued June 14, 2022.

*|s| John E. Galt*

\_\_\_\_\_  
John E. Galt, Hearing Examiner

**DEPARTMENT OF ECOLOGY REVIEW**

The above permit is **APPROVED** \_\_\_\_\_ / **APPROVED WITH ADDITIONAL CONDITIONS** \_\_\_\_\_  
**DENIED** \_\_\_\_\_ pursuant to WAC 173-27-200.

**COMMENTS/ADDITIONAL CONDITIONS:** \_\_\_\_\_

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